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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,943	12/14/2000	Osamu Inage	199921US2	8080
22850	7590	04/08/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 04/08/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,943

Applicant(s)

INAGE, OSAMU

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. The amendment filed on 01/07/2004 has been entered and made of record. Currently, claims 1-14 are pending.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Response to Arguments

3. Applicant's arguments filed 01/07/2004 have been fully considered but they are not persuasive. Applicant argues that Takahashi does not teach "any operation of adjusting a number of lines of image data from a photoelectric transducer." Upon further consideration, the Examiner has included the reference of Koyanagi et al (JP 10-193685) to expressly disclose adjusting a number in lines of image data.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2,5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 5,408, 335) in view of Koyanagi et al (JP 10-193685).

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In Claim 1, which is representative of claims 6-7, Takahashi teaches of an image reading apparatus comprising: a photoelectric transducer configured to read an image of a document and to output an analog image signal (Col 2 Lines 35-43); an A/D converter 2 configured to input the analog image signal and output a corresponding digital image signal; an offset level detecting circuit configured to seek an average value of output levels from picture elements in a predetermined number of lines of image data taken from the photoelectric transducer (Col 1 Lines 20-28); an offset setting unit 4 configured to provide an offset in the analog image signal before the A/D conversion on the basis of the average value (Col 3 Lines 41-47); a first comparing device 7 configured to compare the average value to a predetermined target value (Col 4 Lines 24-31).

Takahashi does not expressly disclose an adjusting device configured to adjust the predetermined number of lines of image data taken from the photoelectric transducer on the basis of a result of the comparison.

Koyanagi discloses an adjusting device configured to adjust the predetermined number of lines of image data taken from the photoelectric transducer on the basis of a result of the comparison (Paragraph 0010).

Takahashi and Koyanagi are combinable because they are from the field of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Koyanagi's adjusting means in the image reading apparatus of Takahashi.

The suggestion/motivation for doing so would have been since both inventions share cumulative features making them additive in nature.

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Regarding claim 2, which is representative of claim 8, Takahashi teaches wherein the adjusting device enlarges the predetermined number of lines of image data taken from the photoelectric transducer when a difference between the average value and the target value is smaller than a predetermined value (Col 3 Lines 12-25).

Regarding claim 5, Takahashi teaches of a copying machine comprising: an image reading apparatus including; a photoelectric transducer configured to read an image of a document and to output an analog image signal (Col 2 Lines 35-43); an A/D converter 2 configured to input the analog signal and output a corresponding digital image signal; an offset level detecting circuit configure to seek an average value of output levels from picture elements in a predetermined range of the photoelectric transducer (Col 1 Lines 20-28); an offset setting unit 4 configured to provide an offset in the analog image signal before the A/D conversion on the basis of the average value (Col 3 Lines 41-47); a first comparing unit 7 configure to compare the average value to a predetermined target value (Col 4 Lines 24-31); and an image forming apparatus configured to form an image on the basis of image data of a document which is read by the image reading apparatus (Col 1 Lines 41-61).

Takahashi does not expressly disclose an adjusting device configured to adjust a size of the predetermined number of lines of image data taken from the photoelectric range of the photoelectric transducer on the basis of a result of the comparison

Koyanagi discloses adjusting device configured to adjust a size of the predetermined number of lines of image data taken from the photoelectric range of the photoelectric transducer on the basis of a result of the comparison (Paragraph 00100).

Takahashi and Koyanagi are combinable because they are from the field of image processing.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Koyanagi's adjusting means in the image reading apparatus of Takahashi.

6. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 5,408,335) in view of Koyanagi et al (JP 10-193685) and further in view of Sasaki (US 4,894,727).

Takahashi and Koyanagi teach of the image reading apparatus/method as discussed above, but fails to particularly point out wherein the picture elements in the predetermined range of the photoelectric transducer are optical black picture elements of the photoelectric transducer.

Sasaki teaches of an image processing system in which the picture elements in the predetermined range of the photoelectric transducer are optical black picture elements of the photoelectric transducer (Col 9 Line 37-42; Fig 10A-10E).

Takahashi's image reading apparatus would easily be modified to include the optical black elements of Sasaki as both systems share cumulative features, making them additive in nature.

Allowable Subject Matter

7. Claims 11-14 are allowed.

8. Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

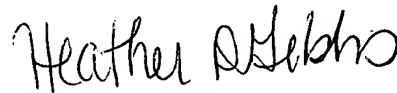
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2622

hdg



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